



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	41
VAC Chapter Number:	50
Regulation Title:	Tattooing and Body-piercing Regulations
Action Title:	Promulgate
Date:	July 9, 2002

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 2.2-4007(B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

To promulgate regulations governing the licensure and practice of tattooing and body-piercing as directed by Acts 2002, c. 869.

To promulgate regulations and establish fees necessary to administer the licensure of tattooing practitioners, body-piercing practitioners, tattooing parlors, body-piercing salons, tattooing schools, and body-piercing schools in the Commonwealth of Virginia to fulfill the Board's responsibility to protect the health, safety and welfare of the citizens of the Commonwealth.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Section 54.1-201 of the Code of Virginia states that the Board "shall promulgate regulations necessary to carry out the purposes of this chapter."

§ 54.1-201. Powers and duties of regulatory boards.

The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.
2. To examine, or cause to be examined, the qualifications of each applicant for certification or licensure within its particular regulatory system, including when necessary the preparation, administration and grading of examinations.
3. To certify or license qualified applicants as practitioners of the particular profession or occupation regulated by such board.
4. To levy and collect fees for certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the regulatory board and a proportionate share of the expenses of the Department of Professional and Occupational Regulation and the Board for Professional and Occupational Regulation.
5. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.
6. To ensure that inspections are conducted relating to the practice of each practitioner certified or licensed by the regulatory board to ensure that the practitioner is conducting his practice in a competent manner and within the lawful regulations promulgated by the board.
7. To revoke, suspend or fail to renew a certificate or license for just causes as enumerated in regulations of the board.
8. To receive complaints concerning the conduct of any person whose activities are regulated by the regulatory board and to take appropriate disciplinary action if warranted.
9. To promulgate canons of ethics under which the professional activities of persons regulated shall be conducted.

(Section 54.1-201 of the Code of Virginia is available at the following website address:
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-201.>)

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The Board proposes to promulgate regulations governing the licensure and practice of tattooing and body piercing as directed by Acts 2002, c. 869.

The proposed regulatory action is necessary to ensure minimal competence of tattooing and body-piercing practitioners.

This regulatory action will establish qualifications for licensure, standards of practice and requirements for maintaining licensure as a tattooer, tattoo parlor, tattoo school, body-piercer, body-piercing salon, and body-piercing school in the Commonwealth of Virginia.

This regulatory action will establish fees necessary to administer the licensure of a tattooer, tattoo parlor, tattoo school, body-piercer, body-piercing salon, and body-piercing school in the Commonwealth of Virginia.

As directed by the 2002 General Assembly, this regulatory action is required to protect the health, safety and welfare of citizens of the Commonwealth in that it will provide for and ensure that licensees have met qualifications that demonstrates competency that protects the health, safety and welfare of citizens of the Commonwealth and that health and sanitary standards and safety are adequate in parlors, salons and schools where tattooing or body-piercing services are being provided.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The essential purpose of the proposed regulatory action is to comply with the statutory mandate to promulgate regulations governing the licensure and practice of tattooing and body piercing as directed by Acts 2002, c. 869.

Other regulatory provisions would not provide for less burdensome alternatives.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulatory action is not expected to have any significant impact on families.